THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 18205 of 2006

Date:04-06-2007

Between:

C.Shashi Kumar .. **PETITIONER**

AND

The Government of Andhra Pradesh and two others

..

RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondents in not considering the application of the petitioner for providing police security at site in Sy.No.104, Devotan Bazar, Gadi Bouli, Machabollaram,Tirmulgiri, Secunderabad and not providing gunman, as illegal and arbitrary.

The case of the petitioner is that he purchased an extent of Ac.2.09 guntas of land in Sy.No.104 Mahchabollaram, Tirumalagiri, Secunderabad from its lawful owners by paying entire sale consideration and though the agreement of sale was executed on 27.09.1994, due to the disputes between the parties, it was executed on 27.12.2005. With regard to criminal action, basing on the complaint filed by the petitioner, a case in Crime No.27 of 2006 was registered on 24.02.2006 and as there is a threat to his life and property, he made a representation on 29.02.2006 to the third respondent for providing security/gunman. It is stated that the petitioner also gave reminder on 29.05.2006 to the third respondent. It is stated that the third respondent rejected the said representation by his letter-dated 27.06.2006 with the following order:

> "With reference to your representation cited, it is to inform that the matter has been enquired into and after due consideration and basing on the threat perception report the request has been rejected."

A counter has been filed by the third respondent stating that security can be given based on only threat perception as per G.O.Rt.No.655, dated 13.03.1997. It is further stated that there are civil disputes pending between the petitioner and others and that the pendency of F.I.R.No.41 of 2006 of Bollaram Police Station is not a ground for providing police protection. It is stated that the petitioner is not entitled for any gunman in the absence of any specific threat to him.

Learned counsel appearing for the petitioner submits that the third respondent passed the said order of rejection without assigning any reasons and therefore, it is liable to be set aside directing the third respondent to re-consider the request of the petitioner. He further submits that prior to the representation of the petitioner, he has made several representations including the one before the Home Minister dated 23.02.2006. As the impugned rejection order is without any reasons, he submits that the petitioner is entitled for gunman.

As per the G.O.Rt.No.655, Home (SC.B) Department, dated 13.03.1997, if the application is rejected, the aggrieved person is entitled to apply to the State Government represented by the Principal Secretary to Government, Home Department, for protection. No doubt, the said impugned order do no disclose any reasons, but, I am not inclined to express any opinion as to whether any of the contentions made in the representation dated 29.05.2006 entitles him for a gunman as per the guidelines issued by the Government relating to provision of personal security officers to private persons in G.O.Ms.No.655, Home (SC.B) Department, dated 13.03.1997.

Having regard to the facts and circumstances of the case and without expressing any opinion on the merits of the case, the petitioner is permitted to make a fresh representation and if any such representation is filed, the third respondent may consider and dispose of the same in accordance with the guidelines issued in G.O.Rt.No.655, Home (SC.B) Department, dated 13.03.1997,

Accordingly, the writ petition is dismissed with the above observations. There shall be no order as to costs.

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V.ESWARAIAH, J.

Date:04.06.2007

Note:
Furnish C.C. within three days.

B/o

ccm